

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

JULY 24 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

JAMES NORMAN SWANSON,

Appellant.

2 CA-CR 2006-0323
DEPARTMENT B

MEMORANDUM DECISION

Not for Publication
Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20040769

Honorable Howard Fell, Judge Pro Tempore

AFFIRMED

R. Lamar Couser

Tucson
Attorney for Appellant

E S P I N O S A, Judge.

¶1 After a jury trial in April 2005, from which appellant James Swanson voluntarily absented himself, he was convicted of possession of a dangerous drug, a class four felony, and possession of drug paraphernalia, a class six felony. The trial court imposed concurrent, presumptive prison terms, the longest of which was ten years. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating that he has “diligently searched

the record” without finding an arguable issue to raise on appeal and asking us to search the record for error pursuant to *Anders*. Swanson has not filed a supplemental brief. We affirm.

¶2 The evidence at trial showed that, after a police officer stopped Swanson for a traffic violation, he removed a drug pipe from his pocket. The officer read Swanson his rights pursuant to *Miranda*,¹ after which he answered affirmatively to the query whether he had any methamphetamine. The officer then searched Swanson and found several plastic bags containing smaller bags of methamphetamine, a paper in Swanson’s wallet that also contained methamphetamine, and a scale containing methamphetamine residue. The trial court denied defense counsel’s motion for judgment of acquittal, made pursuant to Rule 20, Ariz. R. Crim. P., 17 A.R.S. Based on the record before us, the evidence was sufficient to warrant the verdicts. *See* A.R.S. §§ 13-3407 and 13-3415.

¶3 We have reviewed the entire record and have found no fundamental error. We therefore affirm Swanson’s convictions and sentences.

PHILIP G. ESPINOSA, Judge

CONCURRING:

GARYE L. VÁSQUEZ, Judge

J. WILLIAM BRAMMER, JR., Judge

¹*Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602 (1966).